

U.S. Application No. 10/073,985
Reply to Office Action dated July 28, 2003

SUPPORT FOR THE AMENDMENTS

Applicants have amended Claims 28, 32, 35-40, 42, 44, and 45 to correct certain formal and typographical errors and to correct certain dependencies. Accordingly, support for amended Claims 28, 32, 35-40, 42, 44, and 45 can be found in the same claims, as previously presented.

No new matter has been added. Claims 28-42, 44, and 45 are active in this application.

REMARKS/ARGUMENTS

At the outset, Applicants wish to thank Examiner Truong for renumbering second Claim 35 as Claim 36 and Claims 36-44 as Claims 37-45. Applicants also wish to thank Examiner Truong for indicating that renumbered Claims 41 and 42 are allowed. Applicants submit that, in view of the present amendments and following remarks, all of the pending claims are now allowable.

The rejection of Claim 1 under 35 U.S.C. §101, for double patenting in view of Claim 1 of U.S. Patent No. 6,410,538 has been obviated by the cancellation of Claim 1. Accordingly, the rejection should be withdrawn.

The rejection of Claims 28 and 35 under the judicially-created doctrine of obviousness-type double patenting in view of Claims 24 and 25 of U.S. Patent No. 6,410,538 is being obviated by the filing herewith of a duly executed Terminal Disclaimer. Thus, the rejection should be withdrawn.

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The provisional rejection of Claims 1 and 28 under the judicially-created doctrine of obviousness-type double patenting in view of Claims 1-4 and 10 of co-pending application serial no. 10/164,623 has been, in part, obviated by amendment and is, in part, respectfully traversed. First, as noted above, Applicants have canceled Claim 1. Second, since this is only a provisional rejection, Applicants request that the Examiner hold the rejection in abeyance until on the two applications is found to be otherwise allowable. The otherwise allowable application should then be passed to issue and the provisional nature of the rejection lifted in the remaining application.

The rejection of Claims 32 and 43-45 under 35 U.S.C. §112, second paragraph, has been obviated by appropriate amendment. As the Examiner will note, Claim 43 has been canceled, and Claims 32, 44, and 45 have been amended such that they are free of the criticisms outlined at the bottom of page 2 of the Office Action. Accordingly, the rejection is no longer tenable and should be withdrawn.

Lastly, Applicants note that they inadvertently failed to pay the fee for the extra independent claims presented in the Preliminary Amendment filed on May 21, 2002, and Applicants are correcting that error by paying the fee at this time.

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Applicants submit that the application is now in condition for allowance, and early notification of such action is respectfully requested.

Respectfully submitted,

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